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RJH
Paper No. 12

In re Application of:
TESSIER-LAVIGNE ET AL.
Serial No.: 09/273,098
Filed: March 19, 1999
For: Compositions for Promoting Nerve Regeneration

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), filed February 26, 2001, to expunge information from the above identified application.

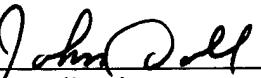
Petitioner requests that the declaration under 37 CFR 1.132 which was attached to applicants' response filed September 5, 2000 be expunged from the record.

The petition is deficient because:

1. The petition does not contain a commitment on the part of petitioner to retain the information to be expunged for the life of any patent with regard to which such information has been submitted.
2. The petition does not contain a clear statement that the information requested to be expunged is either: (1) a trade secret, proprietary, and/or subject to a protective order; or (2) was unintentionally submitted and failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted. The declaration is part of the record in this application. Furthermore, the new declaration filed with the petition will also be placed in the file and of record in this application. Consequently, the record relative to the declarations will be clear.
3. The petition does not contain a statement that the petition is being submitted by, or on behalf of, the party in interest who originally submitted the information.

For the above reasons, the petition is dismissed.

PETITION DISMISSED.



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